

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS**

**LAURA ALLEN, INDIVIDUALLY; And As
ADMINISTRATRIX OF THE ESTATE
OF DAN ALLEN; And AS NEXT FRIEND
OF TAYLOR ALLEN AND DANIELLE
ALLEN; And MARK ALLEN,**

Plaintiffs;

v.

**MARTIN SURFACING, INC.; MARTIN
SURFACING, A Division of SOUTHWEST
RECREATION; SOUTHWEST
RECREATIONAL INDUSTRIES, INC., d/b/a
MARTIN SURFACING; REED J. SEATON;
ROBERT N. WOLESENSKY, JR.;
DYNAMIC SPORTS CONSTRUCTION, INC.;
AND DOES,**

Defendants.

**CIVIL ACTION
No.: 05-40048**

**PLAINTIFF'S MOTION FOR RELIEF FROM COURT-IMPOSED DEADLINES, FOR
STAY OF PROCEEDINGS
AND FOR IMPOSITION OF SUBSTITUTE SCHEDULING ORDER**

NOW COME PLAINTIFFS, by and through their counsel, and move this Honorable Court for RELIEF FROM THE DEADLINES set forth in the Scheduling Order, entered on or about September 19, 2005; for a STAY OF PROCEEDINGS; and for the IMPOSITION OF A SUBSTITUTE SCHEDULING ORDER.

Grounds for this Motion are set forth with particularity in the Plaintiffs' Memorandum filed in support hereof.

WHEREFORE, the plaintiff in this case moves that this Honorable Court enter an **ORDER**:

1. VACATING the Scheduling Order, entered September 19, 2005;
2. SUSPENDING all proceedings for a period of 90 days, so that successor counsel can evaluate the merits of the claims, the propriety of the parties and the underlying issues of the case, prior to beginning discovery in earnest;
3. Setting forth new dates and deadlines consistent with the above.
4. Such other relief as this Honorable Court shall deem proper in the name of Justice.

REQUEST FOR ORAL ARGUMENT

The Plaintiffs hereby respectfully request an Oral Argument of this Motion, pursuant to Local Rule 7.1(d).

CERTIFICATION OF COUNSEL

By affixing his signature hereto, the undersigned Michael R. Hugo, certifies, pursuant to Local Rule 7.1(a)(2) that he has conferred with opposing counsel in a good faith attempt to resolve or narrow the issues presented by this Motion.

Dated: February 8, 2006

Respectfully Submitted,
The Plaintiffs,
By their counsel

/S/ Michael R. Hugo

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CERTIFICATE OF SERVICE

I, Michael R. Hugo, certify that on this 8th day of February, 2006, I caused all counsel of record to be served the within Motion, Memorandum and Affirmation, via the Electronic Court Filing system.

/S/ Michael R. Hugo